

# NOTICE OF INTENT

## Department of Public Safety and Corrections Office of State Police

### Concealed Handgun Permit (LAC 55:I.Chapter 13)

The Department of Public Safety and Corrections, Office of State Police, Concealed Handgun Permit Section, in compliance with and under authority of R.S. 49:950 et seq., and R.S. 33:4862.1 et seq., hereby gives notice of its intent to amend, in their entirety, the rules and regulations pertaining to the issuance of concealed handgun permits and the regulation of concealed handgun applicants and permittees as outlined below:

#### **Title 55**

#### **PUBLIC SAFETY**

#### **Part I. State Police**

#### **Chapter 13. Issuance of Concealed Handgun Permits**

##### **§1301. Statement of Department Policy**

A. The rules contained herein are promulgated by the Concealed Handgun Permit Section of the Department of Public Safety and Corrections, Office of State Police in order to set forth the policies and procedures applicable to the issuance of concealed handgun permits to Louisiana citizens who qualify for such permits pursuant to R.S. 40:1379.1(I), 40:1379.3, 40:1381, and 40:1382, and the issuance of special officer commissions; to provide statewide uniform standards for issuing permits to carry concealed handguns; and to maintain the health, welfare, and safety of the public. These considerations shall control the application and interpretation of these rules. Any subsequent restatement, repeal, or amendment of these rules shall be in accordance with the aforementioned considerations.

B. - I.6 Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1379, 40:1381, and 40:1382.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 1:495 (November 1975), amended by the Department of Public Safety and Corrections, Office of State Police, LR 22:

##### **§1303. Issuance of Special Officer's Commission**

A. - C. ...

D. Application. The superintendent of state police shall be authorized to issue at his discretion a special officer's commission from the Office of State Police. All requirements of the superintendent of state police, relating to application shall be satisfied. Applications shall be submitted in the manner prescribed by the superintendent of state police and will include the submission of such documents and materials establishing eligibility as the superintendent may deem necessary.

E. ...

F. Termination. Special officer commissions will automatically expire one year from the date of issue or as otherwise provided by law.

G. Qualifications and Requirements. The following requirements must be met before a special officer's commission will be issued, all applicants:

1. Must submit a letter which details the need for statewide police power and the power to arrest. If the applicant is employed and the nature of the employment is the basis for need of a special officer's commission, then, in addition to his letter, a detailed letter from the employer stating the need is necessary;

2. - 4. ...

5. Show proof of faithful service bond in the minimum amount of \$10,000; and

6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1379, 40:1381, and 40:1382.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 1:495 (November 1975), amended by the Department of Public Safety and Corrections, Office of State Police, LR 22:

##### **§1305. Definitions**

For the purposes of these rules, the following words and phrases shall mean:

*Addiction*—the habitual use of alcoholic beverages or any controlled dangerous substance as defined in R.S. 40:961 and 40:964.

*Applicant*—a person who has completed and submitted an application to the department seeking a concealed handgun permit.

*Application*—the forms and schedules prescribed by the department upon which an applicant seeks a permit or the renewal thereof. Application also includes information, disclosure statements, releases, certificates or any other form required by the department in the application process.

*Citizen*—any person legally residing in Louisiana and who has been a resident for six months or longer immediately preceding the filing of an application for a concealed handgun permit.

*Commitment*—any voluntary or involuntary admission into a mental health facility or institution.

*Concealed Handgun*—any handgun as defined in R.S. 40:1379.3(J)(1), which is carried on or about a person in such a manner as to hide or obscure the handgun from plain view.

*Department*—Department of Public Safety and Corrections, Office of State Police.

*Deputy Secretary*—the deputy secretary of the Department of Public Safety and Corrections who serves as the superintendent of the Office of State Police.

*Fugitive from Justice*—a person who flees, evades, or escapes from any jurisdiction to avoid arrest, prosecution, or imprisonment for any criminal offense, which shall include outstanding traffic attachments or warrants, or to avoid giving testimony in any criminal proceeding.

*Illegal Alien*—any person without legal authority to enter or remain in the United States and who is not legally residing within the United States or any territory or possession of the United States.

*Machine Gun*—any firearm which shoots or is designed to shoot more than one round without reloading and by a single function of the trigger.

*Mentally Deficient*—having been determined by either a formal judicial interdiction proceeding in any court or a coroner's commitment that a person is incompetent or incapable of taking care of his own person or affairs.

*Permit*—the authorization issued by the deputy secretary of the Department of Public Safety and Corrections pursuant to R.S. 40:1379.1(I), 40:1379.3, 40:1381, 40:1382 and these rules, which shall be valid for four years from the date of issuance unless revoked, suspended, or otherwise invalidated, and shall contain a permit number, date of expiration, type of handgun authorized to be carried, and the name, address, date of birth, physical description, and photograph of the permittee.

*N.R.A.*—National Rifle Association.

*Permittee*—an individual who meets the qualifications as described in R.S. 40:1379.3 and these rules and to whom a concealed handgun permit has been issued.

*Pistol*—a handgun that has a short barrel and can be held, aimed, and fired with one hand and is capable of only firing a single round each time the trigger is pulled, which includes semi-automatic handguns.

*Revolver*—a pistol that has a rotating cylinder containing a number of firing chambers. The action of the trigger or hammer will line up a chamber with the barrel and firing pin.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1379, 40:1381, and 40:1382.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 22:

### **§ 1307. Applications and Permits**

A. Request for Application Materials. A person who wishes to obtain application materials in order to apply for a permit may submit a completed "Request for Application To Carry A Concealed Handgun" (form DPSSP 4644) to the department.

#### **B. Initial Applications**

1. All applications for a permit shall be submitted on forms provided by the department and mailed to:  
Louisiana State Police  
Concealed Handgun Permit Section  
P. O. Box 66375  
Baton Rouge, LA 70896

2. All applicants shall provide all additional information requested by the department within 10 business days of receipt of the request, unless an extension is granted by the department. If any applicant fails to provide all additional information requested by the department, the application shall be considered incomplete and will not be processed until completed.

3. All applicants shall submit with their application one color passport photograph that meets the following specifications:

- a. photograph taken within 60 days of submission of application;
- b. full frontal view photograph of the applicant including his head and hair;
- c. sunglasses, hats, or caps may not be worn while taking photograph; and
- d. the rear of the photograph must be signed and dated by the employee of the law enforcement agency where the applicant's fingerprints are taken.

4. All applicants shall submit with their application a complete, legible, and classifiable FBI applicant fingerprint card taken by a person employed by a law enforcement agency who is appropriately trained in recording fingerprints.

- 5.a. For purpose of proof that the applicant has resided within this state for at least six months prior to his application for a permit, the applicant shall submit with his application a photocopy of his valid Louisiana driver's license or Louisiana identification card. In the event the applicant does not possess a valid Louisiana driver's license or a Louisiana identification card, proof of residency must be established by any one of the following:

- i. United States passport;
- ii. Louisiana voter registration card;
- iii. a utility bill, phone bill, proof of mortgage or rent payments in the name of the applicant which

establishes a Louisiana permanent address of the applicant; or

iv. any other documentation which adequately satisfies proof of compliance with the qualifications for residing within this state six months prior to applying for a concealed handgun permit.

b. For purposes of proof of residency, a business address or post office box shall not suffice.

6. For purposes of proof that the applicant is at least 21 years of age, a photocopy of his valid Louisiana driver's license or Louisiana identification card which contains the applicant's date of birth shall suffice. In the event the applicant does not possess a valid Louisiana driver's license or Louisiana identification card, the applicant shall submit with his application a certified true copy of his birth certificate.

7. All application forms are to contain a properly notarized oath wherein the applicant swears that:

a. the information contained therein is true and correct;

b. the applicant has read the applicable law and these rules, and any other informational materials supplied by the department that pertain to concealed handgun permits;

c. the applicant agrees to comply with these rules and the law; and

d. the applicant understands that any omission or falsification of any information required in the application could subject the applicant to criminal penalties.

8. All applications shall contain the permittee's home and daytime telephone number and a permanent mailing address for receipt of correspondence and service of documents by the department.

9. All applications submitted to the department shall contain a completed handgun training form provided by the department, which certifies that the applicant has completed an approved handgun training and safety course which includes instruction in child access prevention, and one of the following:

a. a photocopy of an honorable discharge from military service;

b. a photocopy of a certificate of completion of an approved handgun training and safety course or class which includes instruction in child access prevention;

c. an affidavit from the instructor, school, club, organization, or group that conducted or taught the department approved handgun training and safety course or class which includes instruction in child access prevention attesting to the completion of the course or class by the applicant.

10. All applications shall include a properly executed affidavit, provided by the department, whereby the applicant agrees in writing to hold harmless and indemnify the department, the state or any peace officer for any and all liability arising out of the issuance or use of the concealed handgun permit.

11. Incomplete applications, including failure to pay fees, may result in a delay or denial of a permit application.

12. The applicant or permittee shall notify the department, in writing, of any change of address, name, phone number, or other information required in the application, including the effective date of the change, within 30 days of the effective date of the change.

13. Any false statement or improper notarization contained in any report, disclosure, application, permit form, or any other document required by the department shall be a violation of these rules and may be cause for denial, suspension, or revocation of the permit.

14. All applications shall be submitted with a certified check or money order for the application or renewal fee as provided in R.S. 40:1379.3(15). An application is not complete unless it is submitted with the appropriate fee, is signed by the applicant, and contains all information required by the department.

15. All applicants shall submit with the application a non-refundable \$100 fee in the form of a certified check or money order. All applicants who have not continuously resided within the state of Louisiana for the 15 years preceding the submission of the application shall enclose an additional non-refundable \$50 fee.

C. Qualifications to Receive a Permit. To qualify for a concealed handgun permit, a citizen shall:

1. be a resident of the state and have been a resident for six months or longer immediately preceding the filing of the application;

2. be 21 years of age or older;

3. not suffer from a mental infirmity due to disease, illness, or retardation which prevents the safe handling of a handgun;

4. not be ineligible to possess a firearm by virtue of having been convicted of a felony;

5. not have been committed, either voluntarily or involuntarily, to any institution for the abuse of a controlled dangerous substance as defined by R.S. 40:961 and 40:964 or been found guilty of, or entered a plea of guilty or nolo contendere to a misdemeanor under the laws of this state or similar laws of any other state relating to a controlled dangerous substance within a five year period immediately preceding the date on which the application is submitted, or be presently charged under indictment or a bill of information for such an offense;

6. not chronically and habitually use alcoholic beverages to the extent that his normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages to the extent that his normal faculties are impaired if, within the five year period immediately preceding the date on which the application is submitted, the applicant has been found guilty of, or entered a plea of guilty or nolo contendere to operating a vehicle while intoxicated, or have been committed, either voluntarily or involuntarily, for treatment as an alcoholic;

7. not have entered a plea of guilty or nolo contendere to or been found guilty of a crime of violence as defined in R.S. 14:2 at the misdemeanor level, unless five years have elapsed since completion of sentence or any other conditions set by the court have been fulfilled, or unless the conviction was set aside and the prosecution dismissed, prior to the date on which the application is submitted;

8. not have been convicted of, have entered a plea of guilty or nolo contendere to, or not be charged under indictment, or a bill of information for any crime of violence or any crime punishable by imprisonment for a term of one year or greater. A conviction, plea of guilty, or plea of nolo contendere under this Paragraph shall include a dismissal and conviction set aside under the provisions of Code of Criminal Procedure, Article 893;

9. not be a fugitive from justice;

10. not be an unlawful user of, or addicted to, marijuana, depressants, stimulants, or narcotic drugs;

11. not have been adjudicated to be mentally deficient or been committed to a mental institution;

12. not be an illegal alien in the United States; and

13. not have been discharged from the Armed Forces of the United States with a discharge characterized as "Under Other than Honorable Conditions", a "Bad Conduct Discharge", or a "Dishonorable Discharge". In the case of Commissioned Officers and Warrant Officers of the United States Armed Forces, the punishment of "Dismissal" rendered subject to a verdict of "guilty" at a trial by military court-martial is deemed to be disqualifying under this paragraph. For the purposes of this paragraph, the United States Coast Guard is considered an armed force.

#### D. Renewal of Permits

1. A permittee wishing to renew his concealed handgun permit shall file a renewal application no more than 120 days and no less than 90 days prior to the expiration of the permit. All renewal applications shall include a new photograph of the applicant as specified in LAC 55:I.1307.B.3.

2. A renewal application shall be considered filed with the department when it is completed and submitted with the appropriate fee, is signed by the applicant, contains all information required by the department, and is date stamped received by the department or is postmarked no more than 120 days and no less than 90 days prior to the expiration of the permit.

3. An incomplete renewal application will be not be considered filed and will be rejected.

4. Each permittee applying for a renewal of his permit shall complete at least nine hours of additional educational training within one year prior to submitting a renewal application, which instruction shall include:

a. one hour of instruction on handgun nomenclature and safe handling procedures for a revolver and a semi-automatic pistol;

b. one hour of instruction on ammunition knowledge and fundamentals of pistol shooting;

c. one hour of instruction on handgun shooting positions;

d. three hours of instruction on the use of deadly force which shall include a review of R.S. 14:18 through 14:22 and which may include a review of any other laws relating to use of deadly force;

e. one hour of instruction on child access prevention; and

f. two hours of actual live range fire and proper handgun cleaning procedures:

i. live range fire shall include 12 rounds each at 6 feet, 10 feet and 15 feet for a total of 36 rounds;

ii. each applicant or permittee must perform at least one safe reload of the handgun at each distance;

iii. each applicant or permittee must score 100 percent hits within the silhouette portion of a N.R.A. B-27 type silhouette target with at least 36 rounds.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1379, 40:1381, and 40:1382.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 22:

#### **§1309. Permits**

A. The securing of a permit required by R.S. 40:1379.3 and these rules shall be a prerequisite for carrying a concealed handgun.

B. A permit shall grant statewide authority to a permittee to carry and conceal on his person, in the manner prescribed by law and these rules, a handgun of the type denoted on the permit. A permit shall grant a permittee only the authority to carry a concealed handgun as a private citizen and grants no special authority to any citizen awarded such a permit.

C. An applicant for a concealed handgun permit has the burden of proving by clear and convincing evidence that he is qualified to receive a permit and accepts the risk of adverse public notice, embarrassment, criticism or other action or loss that may result from action with respect to an application and expressly waives any claim for damages as a result thereof, except relating to willful misconduct by the department.

D. Failure to meet and maintain the qualification requirements as required by law and these rules, shall result in the denial, suspension, or revocation of a concealed handgun permit.

E. A permittee shall retain and carry his permit on his person when actually carrying and concealing a handgun and shall immediately produce his permit upon request of any law enforcement officer. Anyone who violates this Section shall be fined not more than \$100.

F. No concealed handgun permit shall be valid or entitle any permittee to carry a concealed handgun in any facility, building, location, zone, or area in which firearms are banned by local, state, or federal law.

G. No concealed handgun permit issued pursuant hereto shall authorize or entitle a permittee to carry a concealed handgun in any of the following:

1. a law enforcement office, station, or building;
2. a detention facility, prison, or jail;
3. a courthouse or courtroom, provided that a judge may carry such a weapon in his own courtroom;
4. a polling place;
5. a meeting place of the governing authority of a political subdivision;
6. the state capitol building;
7. any portion of an airport facility where the carrying of firearms is prohibited under federal law, except that no person shall be prohibited from carrying any legal firearm into the terminal, if the firearm is encased for shipment, for the purpose of checking such firearm as lawful baggage;
8. any church, synagogue, mosque or other similar place of worship;
9. a parade or demonstration for which a permit is issued by a governmental entity;
10. any portion of the permitted area of an establishment that has been granted a Class A-General retail permit, as defined in Part II of Chapter I or Part II of Chapter 2 of Title 26 of the Louisiana Revised Statutes of 1950, to sell alcoholic beverages for consumption on the premises;
11. any school "firearm-free zone" as defined in R.S. 14:95.6;
12. any private residence of another person, unless the permittee first receives the permission of that person; and
13. any other property or premises where access by those possessing a concealed handgun is restricted by the property owner, lessee or lawful custodian.

H. Any permit issued pursuant hereto shall automatically become invalid for any of the following reasons:

1. the permit is altered in any manner;
2. the permit is lost or stolen;
3. the permittee is carrying it while under the influence of alcoholic beverages or a controlled dangerous substance; or
4. the permittee ceases to reside within this state.

I. Any permit issued by the deputy secretary of the Department of Public Safety and Corrections shall be deemed to be the property of the department and shall be surrendered and returned to the department upon suspension, revocation or expiration, or when the permittee ceases to reside in the state.

J. The following shall be mandatory grounds for revocation of a permit by the deputy secretary:

1. the permittee fails to satisfy or maintain any one of the qualification requirements enumerated in the law or these rules;
2. the permittee violates the provisions of R.S. 40:1379.3(I) or R.S. 40:1382.

K. An otherwise lawful permit shall be considered automatically suspended and not valid while the permittee is under the influence of alcoholic beverages or a controlled dangerous substance. For purposes of these rules and the applicable law, a permittee shall be considered under the influence as evidenced by a blood alcohol reading of .05 grams percent or greater by weight of alcohol in the blood, or when a blood test or urine test shows any confirmed presence of a controlled dangerous substance as defined in R.S. 40:961 and 964.

L. The deputy secretary shall automatically suspend a permit for six months if a permittee fails to comply with the provisions of R.S. 40:1379.3(I)(2).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1379, 40:1381, and 40:1382.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 22:

### **§1311. Handgun Training Requirements**

A. Upon application to the department for a permit, all applicants shall demonstrate competence with a handgun by any one of the following:

1. completion of any Department of Public Safety and Corrections approved firearms safety or training course which shall include at least a minimum of nine hours of instruction as detailed below:
  - a. one hour of instruction on handgun nomenclature and safe handling procedures of a revolver and semi-automatic pistol;
  - b. one hour of instruction on ammunition knowledge and fundamentals of pistol shooting;
  - c. one hour of instruction on handgun shooting positions;
  - d. three hours of instruction on the use of deadly force which will include a review of R.S. 14:18 through 14:22 and which may include a review of any other laws relating to the use of deadly force;
  - e. one hour of instruction on child access prevention; and
  - f. two hours of actual live range fire and proper handgun cleaning procedures:
    - i. live range fire shall include 12 rounds each at 6 feet, 10 feet and 15 feet for a total of 36 rounds;
    - ii. each applicant or permittee must perform at least one safe reload of the handgun at each

distance;

iii. each applicant or permittee must score 100% hits within the silhouette portion of a N.R.A. B-27 type silhouette target with at least 36 rounds.

2. completion of the N.R.A. personal protection course including instruction in child access prevention conducted by a N.R.A. certified instructor;

3. completion of the N.R.A. basic pistol shooting course including instruction in child access prevention conducted by a N.R.A. certified instructor;

4. completion of a firearms training course approved by the Louisiana State Board of Private Security Examiners, in accordance with R.S. 37:3284 et seq. including instruction in child access prevention;

5. possession of a current valid license or permit to carry a concealed handgun issued by a parish law enforcement officer;

6. completion of a law enforcement training academy program certified by the Council on Peace Officer Standards and Training (P.O.S.T.); or

7. proof of completion of small arms training while serving with the armed forces of The United States of America as described in R.S. 40:1379.3(D)(1).

B. No certification or completion from any firearms training course or class available to the public offered by a law enforcement agency, college, or private or public institution or organization or firearm training school shall be accepted unless said course received prior approval from the department in accordance with R.S. 40:1379.3(D)(1)(c).

1. The provider of any course offered for the purpose of certification to obtain a concealed handgun permit must submit a detailed course syllabus and any course materials to the department in order for the department to evaluate said course for approval pursuant to R.S. 40:1379.3(D)(1)(c).

2. The course syllabus must include the name and address of the instructors and a certified true copy of the instructors' N.R.A. or P.O.S.T. instructor certification.

C. Any teaching or training required under this Part must be conducted by a current N.R.A. certified or P.O.S.T. certified instructor who has registered his name and certification with the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1379, 40:1381, and 40:1382.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 22:

### **§1313. Code of Conduct of Permittees**

#### **A. General Provisions**

1. All permittees shall comply with all applicable federal, state, and local laws and regulations.

2. Any violation of R.S. 40:1379.1(I), 40:1379.3, 40:1381, or 40:1382 shall also constitute a violation of these rules.

3. Each permittee shall meet and maintain all qualifications necessary to possess a concealed handgun permit.

#### **B. Duties and Responsibilities of the Permittee**

1. A permittee shall retain and carry on his person his concealed handgun permit at all times he is actually carrying and concealing any handgun authorized by the permit and shall immediately produce his permit upon the request of any law enforcement officer. Anyone who violates this provision shall be fined not more than \$100.

2. A permittee armed with a handgun shall notify any police officer who approaches the permittee in an official manner or with an identified official purpose that he has a handgun on his person, submit to a pat down, and allow the officer to temporarily disarm him. Failure to comply with this provision shall result in a six-month automatic suspension of the permit.

3. A permittee is prohibited from carrying a concealed handgun on his person while under the influence of alcoholic beverages or a controlled dangerous substance as defined in R.S. 40:961 and R.S. 40:964. For purposes of these rules, a permittee shall be considered under the influence as evidenced by a blood alcohol reading of .05 grams percent or greater by weight of alcohol in the blood, or when a blood test or urine test shows any confirmed presence of a controlled dangerous substance as defined in R.S. 40:961 and 40:964. When a law enforcement officer is made aware that a permittee is carrying a concealed handgun and the officer has reasonable grounds to believe that the permittee is under the influence of either alcoholic beverages or a controlled dangerous substance as defined in R.S. 40:961 and 40:964, the law enforcement officer may take temporary possession of the handgun and require the permittee to submit to a department certified chemical test. The law enforcement agency by which such officer is employed shall designate which of the aforesaid tests shall be administered. Failure of the permittee to comply with the provisions of this Section, shall result in a six-month automatic suspension of the concealed handgun permit.

4. Each permittee shall notify the department in writing of any change of address, name, phone number, or other information required in any initial application, including the effective date of the change, within 30 days of the effective date of the change. Failure to comply with this provision may result in a fine of up to \$100 assessed by the department.

5. A permittee shall notify the department of any misdemeanor or felony arrest or issuance of any

summons other than a minor traffic violation, but including all DWI arrests, in this state or any other jurisdiction, within 15 days of the arrest or issuance of the summons. Notice shall be sent via certified mail, return receipt requested and shall include the date of arrest or summons, the arresting or issuing agency, jurisdiction in which the arrest occurred, the specific offense charged, whether the offense is classified as a felony or misdemeanor, the results of any chemical test which may have been administered in conjunction with the arrest or summons, a copy of any citation or summons issued, and any other pertinent information regarding the arrest or summons. Failure to notify the department in accordance with this Section may result in a 90-day suspension of the permit.

6. When a permittee ceases to reside within this state, the permit automatically becomes invalid and the permittee shall return the concealed handgun permit to the department within five business days from the date he ceases to reside within this state.

7. A permittee shall immediately return the concealed handgun permit to the department upon automatic suspension or revocation of the permit. If the permit is under suspension, failure to immediately return the permit to the department shall be grounds for revocation.

8. A permittee shall immediately inform the department in writing via certified mail of any accident, injury or death involving any handgun which the permittee is entitled to carry. Failure to comply with this provision shall result in a ninety 90-day automatic suspension of the permit.

9. Upon death of any permittee, the permittee's estate representative shall notify the department and return the concealed handgun permit to the department.

10. Any permittee or applicant who is subject to any preliminary or permanent injunction in any family or domestic dispute, or any other protective order issued pursuant to law, shall notify the department of the caption of the suit including the suit or proceeding number, the date of the issuance of the injunction or court order, and provide a signed copy of the court's order within three days of the issuance of any such order. Upon the issuance of the injunction or court order, the permit shall be automatically suspended or the department shall cease processing an applicant's application pending final resolution of the domestic dispute.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1379, 40:1381, and 40:1382.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 22:

### **§1315. Appeal and Hearing Procedures**

#### **A. Notice of Permit Denial and Appeal Therefrom**

1. An applicant who is denied a concealed handgun permit shall be notified in writing by the department. Such notice shall comply with R.S. 49:955(B). Upon receipt of such notice, the applicant shall have two options:

a. Option 1 - Informal Review. The applicant shall have 10 business days to request an informal review of documentation and evidence provided by the applicant setting out reasons the denial should be considered improper. Should the applicant remain dissatisfied with the department's decision following this review process, the applicant may appeal this decision within 20 business days of receipt of the department's decision by requesting an administrative hearing. Any such hearing requested by an applicant shall be scheduled and conducted in accordance with the Administrative Procedure Act pursuant to R.S. 49:950 et seq.

b. Option 2 - Formal Appeal. The applicant may appeal the denial by the department in writing within 30 days of receipt of the department's decision by requesting an administrative hearing. Any such hearing requested by an applicant shall be scheduled and conducted in accordance with the Administrative Procedure Act pursuant to R.S. 49:950 et seq.

2. A request for an administrative hearing shall be made in writing and sent to the department via certified mail, return receipt requested. If no request for a hearing is timely made, the denial shall become final.

#### **B. Notice of Suspension, Revocation or Fine**

1. A permittee whose permit is revoked, suspended, or who is issued a fine shall be notified in writing by the department. Such notice shall be in compliance with R.S. 49:955(B), and the action shall be considered to be immediately in effect.

2. Upon receipt of such notice, the permittee shall have 10 business days to request, in writing, a review of the department's action. The permittee should provide the department with relevant information which might have some bearing on the department's action. The permittee should include any documents or other evidence he wishes the department to consider.

3. If the permittee is not satisfied with the outcome of the department's review, he may request judicial review pursuant to the Administrative Procedure Act, R.S. 49:964.

#### **C. General Provisions**

1. Upon receipt of a request for any review, the deputy secretary or his designee shall review the department's action considering the information submitted, and affirm, modify, or reverse the department's action. Written notice of the department's decision to affirm, modify or reverse the department's action shall be provided to the permittee.

2. Except as otherwise provided by these rules, any notice shall be served by certified mail, return receipt requested, to the permanent address that is provided in the application, or latest amendment thereto, on file with the department. If any incorrect or incomplete address has been supplied to the department by the applicant or permittee, such that service cannot be successfully completed, or the applicant or permittee fails to accept properly addressed certified mail, notice shall be presumed to have been given.

3. No applicant or permittee shall be allowed to carry a concealed handgun while any such appeals or considerations are pending.

4. Any fine levied by the department which is adjudicated to a final judgment shall be paid within 15 calendar days of said judgment. Failure to pay such a fine shall result in suspension or revocation of the permit.

5. In cases of serious violations of the law or these rules, or in situations in which the law calls for automatic suspension or revocation, or violations which present a danger to the public health, safety or welfare, the department may provide notice by telephone or hand delivery. Such notice shall be promptly documented and confirmation in writing shall be provided to the permittee.

6. Any request for an administrative hearing shall be made in writing and sent to the department via certified mail, return receipt requested, and postmarked within the delays allowed by these rules. If no request for a hearing is timely made, the action and/or penalty shall become final.

7. Any pre-hearing discovery for the administrative hearing shall be conducted pursuant to R.S. 49:956.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1379, 40:1381, and 40:1382.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 22:

### **§1317. Severability Clause**

If any provision of these rules is declared invalid for any reason, that provision shall not affect the validity of the remaining rules or any other provision thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1379, 40:1381, and 40:1382.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 22:

A public hearing will be held on the proposed rules and regulations on July 25, 1996, to commence at 9 a.m., at the Louisiana State Police Training Academy Auditorium, 7901 Independence Boulevard, Baton Rouge, LA.

Interested persons may submit written comments to the following address: Office of State Police, Box 66375 Baton Rouge, LA, 70896. Lieutenant Michael Futch is the person responsible for responding to the inquiries regarding the proposed rules and regulations. Written comments will be accepted through the close of business, 4:30 p.m., on July 25, 1996.

Colonel William "Rut" Whittington  
Deputy Secretary

## **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Concealed Handgun Permit**

### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Implementation costs of the proposed rules for fiscal year 1996-1997 total \$1,669,839 and cover a total of 11 positions and associated costs which are required to issue and regulate concealed handgun permits in this state. The large one-time expenditure in acquisitions \$228,724 proposed for the 96/97 fiscal year includes the purchase of a computer system and hardware to produce the large number of permits to be issued and a computerized optical storage system. Additional acquisitions cover vehicles for commissioned personnel and office equipment. The future three-year expenditure will be \$625,000 for each year.

### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The estimated revenue increase to the state will be approximately \$4,000,000 in fiscal year 1996/1997. The future three-year revenue will be approximately \$500,000 for each year. Local governmental units will not be affected by the proposed action.

### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

There will be no costs except those related to the training required to qualify for a permit and the cost to obtain the permit itself. Economic benefit can be expected for nongovernmental groups or persons offering the required training courses and there may be some increase in sales of handguns.

### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

Competition among individuals offering the required training courses will increase due to the training requirements and perhaps among handgun dealers.

Colonel William "Rut" Whittington  
Deputy Secretary

Richard W. England  
Assistant to the



